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New battles looming over English-learners

By Jeff Commings

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As Arizona's superintendent of schools fights the federal government for longer exemption periods to get English-language learners up to speed before testing, the Bush administration has fought back with another change in accountability under No Child Left Behind.

On Wednesday, a one-year testing exemption for ELL students in grade school was approved. That means a student who starts school with little to no proficiency in English has the first school year to learn the language. The student may still be required to take the state's assessment test, but the scores will not be counted.

Any test for federal accountability taken in following years will be counted, regardless of the student's ability to read or speak English.

The law, the latest in a series of adjustments U.S. Education Secretary Margaret Spellings has made to the 5-year-old law, will not be effective immediately in Arizona. State Superintendent of Public Instruction Tom Horne is suing the federal government to reinstate an agreement made years ago that had allowed ELL students three years to learn the language before their test scores counted.

Until the lawsuit is resolved, ELL students in Arizona have no grace period to pass the test, said state Department of Education spokeswoman Amy Rezzonico.

Nearly 5.5 million U.S. students are classified as "English-language learners," the fastest-growing segment in the schools, Spellings said.

In addition to the three-year exemption, Arizona's ELL students also had to contend with a voter-approved law that required them to take the state assessment test — AIMS for high school students, a mix of AIMS and TerraNova for others — only in English.

During the 2005-06 school year, Horne was informed that the ELL rule would be reduced, a setback he said gravely diminished the work educators were doing to prepare ELL students for the test.

About 100 schools statewide failed to meet federal "adequate yearly progress" for the 2005-06 school year due to the change for ELL students.

"They're saying that if you have a significant number of ELL students, we condemn you to failure, no matter how good you are," Horne said recently.

Before the federal law was approved, Arizona had the most relaxed exemption timeline for students. Other states along the Mexican border either already had the one-year exemption in place or offered their state tests in Spanish.

Granting a one-year exemption from the period in which their reading scores count toward the record of their schools "is good, because we understand there needs to be flexibility," said Ciaran Clayton, spokeswoman for U.S. Rep. Rubén Hinojosa, D-Texas, who has been critical of Bush administration policy toward such students.

Clayton said the administration is not ensuring that states are conducting accurate tests on any of the nation's English-language learners.

Hinojosa commissioned a study by the Government Accountability Office that found in July that nearly two-thirds of states did not meet targets for math and science performance among students with limited English abilities.

States are not testing such students "in a valid and reliable manner" as required by the "No Child" law, the GAO said.

"The one-year exemption, while good, is no substitute for fully implementing No Child Left Behind," Clayton said.

Spellings said the U.S. is leading pilot programs in about 20 states designed to figure out the most effective strategies for teaching and testing such students.

• *Paul Basken of Bloomberg News contributed to this report. Contact reporter Jeff Commings at 573-4191 or jcommings@azstarnet.com.*

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